

Attorney Docket No. 00184/LH

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant(s): T. ENDO, ET AL

Serial No. : 09/532,818

Filed : March 21, 2000

For : CONFOCAL MICROSCOPE

Art Unit :

Examiner :

SUBMISSION OF SIGNED DECLARATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Att: Application Branch

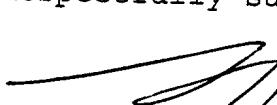
S I R :

Responsive to the Patent Office Notice mailed May 25, 2000, the term for response to which expires on July 25, 2000, submitted herewith is a Declaration executed by the inventors and attached to a complete set of application papers.

A check for \$130.00 is enclosed to cover the Patent Office surcharge fee for late filing of the signed Declaration.

It is respectfully requested that prosecution on the merits now proceed.

Respectfully submitted,

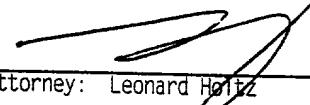
  
Leonard Holtz, Esq.  
Reg. No. 22,974

May 31, 2000

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CERTIFICATE OF MAILING

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on the date noted below.

  
Attorney: Leonard Holtz

Dated: May 31, 2000

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

## Declaration Power of Attorney For Patent Application

### 特許出願宣言書及び委任状 Japanese Language Declaration

#### 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の横に記載された通りです。

My residence, post office address and citizenship are as stated below next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

共焦点顕微鏡

CONFOCAL MICROSCOPE

上記発明の明細書（下記の欄で×印がついていない場合は、本書に添付）は、

The specification of which is attached hereto unless the following box is checked:

\_\_\_\_\_月\_\_\_\_\_日に  
提出され米国出願番号または特許協定条約

was filed on \_\_\_\_\_  
as United States Application Number or  
PCT International Application Number

国際出願番号を \_\_\_\_\_ とし、  
(該当する場合) \_\_\_\_\_ 月 \_\_\_\_\_ 日に訂正されました。

\_\_\_\_\_ and was amended on  
\_\_\_\_\_ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、  
内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56

## Japanese Language Declaration

(日本語宣言書)

私は、合衆国法典第35編第119条(a)~(d)項又は第365条(b)に基づき下記の、米国以外の国の少なくとも一ヵ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below by checking the box any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)  
外国での先行出願

Priority Not Claimed 優先権の主張なし		
11-078281 (Number) (番号)	JAPAN (Country) (国名)	23/03/1999 (Day/Month Year Filed) (出願年月日)
11-080026	JAPAN	24/03/1999
11-080028	JAPAN	24/03/1999
11-080202	JAPAN	24/03/1999

私は、第35編米国法典119条(e)項に基いて下記の米国特許出願規定に記載された権利をここに主張いたします。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)	(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、下記の米国法典第35編120条に基いて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or 365(c) of any PCT international application designating the United States, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT Information application in the manner provided by the first paragraph of Title 35, United States Code, Section 112. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which become available between the filing date of the prior application and the national or PCT international filing date of application:

(Application No.) (出願番号)	(Filing Date) (出願日)	(Status: Patented, Pending, Abandoned) (現況:特許許可済、係属中、放棄済)
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(Application No.) (出願番号)	(Filing Date) (出願日)	(Status: Patented, Pending, Abandoned) (現況:特許許可済、係属中、放棄済)
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私は、私自身の知識に基づいて本宣言書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## Japanese Language Declaration

(日本語宣言書)

委任状：私は、下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。  
(弁理士、または代理人の氏名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

Leonard Holtz (Reg. No. 22,974), Herbert H. Goodman (Reg. No. 17,081),  
Thomas Langer (Reg. No. 27,264), Marshall J. Chick (Reg. No. 26,853),  
Richard S. Barth (Reg. No. 28,180), Douglas Holtz (Reg. No. 33,902), and  
Robert P. Michal (Reg. No. 35,614).

書類送付先：

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FRISHAUF, HOLTZ, GOODMAN,  
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New York, N.Y. 10017-2023

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Facsimile No. (212) 644-4834

唯一のまたは第一発明者の氏名 遠藤 富男	Full name of sole or first inventor Tomio Endo
同発明者の署名 日付	Inventor's signature Date Tomio Endo Mar. 29, 2000
住所 日本国日高市	Residence Hidaka-shi, Japan
国籍 日本	Citizenship JAPAN
郵便の宛先 日本国東京都八王子市久保山町2-3	Post Office Address c/o Intellectual Property & Legal Department OLYMPUS OPTICAL CO., LTD.
オリンパス光学工業株式会社 知的財産法務部内	2-3, Kuboyama-cho, Hachioji-shi, Tokyo, Japan

(第二以降の共同発明者に対しても同様に記載し、署名を  
すること。)

(Supply similar information and signature for second  
and subsequent joint inventors.)

## Japanese Language Declaration

(日本語宣言書)

第 2 共同発明者の氏名 (該当する場合) 江田 幸夫	Full name of 2nd joint inventor, if any Yukio Eda
同第 2 発明者の署名 日付   	2nd Inventor's signature Date <i>Yukio Eda</i> Mar. 29, 2000
住所 日本国あきる野市	Residence Akiruno-shi, Japan
国籍 日本	Citizenship JAPAN
郵便の宛先 日本国東京都八王子市久保山町2-3	Post Office Address c/o Intellectual Property & Legal Department, OLYMPUS OPTICAL CO., LTD.
オリンパス光学工業株式会社 知的財産法務部内	2-3, Kuboyama-cho, Hachioji-shi, Tokyo, Japan
第 3 共同発明者の氏名 (該当する場合) 貞森 克也	Full name of 3rd joint inventor, if any Katsuya Sadamori
同第 3 発明者の署名 日付   	3rd Inventor's signature Date <i>Katsuya Sadamori</i> Mar. 30, 2000
住所 日本国八王子市	Residence Hachioji-shi, Japan
国籍 日本	Citizenship JAPAN
郵便の宛先 日本国東京都八王子市久保山町2-3	Post Office Address c/o Intellectual Property & Legal Department, OLYMPUS OPTICAL CO., LTD.
オリンパス光学工業株式会社 知的財産法務部内	2-3, Kuboyama-cho, Hachioji-shi, Tokyo, Japan
第 共同発明者の氏名 (該当する場合)	Full name of joint inventor, if any
同第 発明者の署名 日付   	Inventor's signature Date
住所	Residence
国籍	Citizenship
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PTO/SB/122 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

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Application Number	To be assigned
Filing Date	Concurrently herewith
First Named Inventor	Tomio ENDO et al
Group Art Unit	
Examiner Name	
Attorney Docket Number	00184D/LH

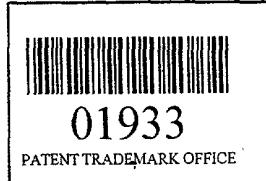
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- Assignee of record of the entire interest.
- Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or Agent of record.
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Typed or Printed  
Name

LEONARD HOLTZ, Reg. No. 22,974

Signature



Date

February 27, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

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